

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7097

BILL NUMBER: SB 342

NOTE PREPARED: Dec 30, 2010

BILL AMENDED:

SUBJECT: Midwives.

FIRST AUTHOR: Sen. Simpson

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: *Establishes the Midwifery Board-* The bill establishes the Midwifery Board (MB). The bill sets qualifications for a certified direct entry midwife (CDEM). The bill requires the board to: (1) establish continuing education requirements; (2) develop peer review procedures; and (3) adopt rules concerning the competent practice of CDEMs.

Penalty Provision- The bill establishes penalties for practicing midwifery without a license.

Culpability Standards- The bill adds culpability standards to the crimes of practicing medicine or osteopathic medicine and acting as a physician assistant without a license.

CDEM Administering Drugs- The bill allows CDEMs to administer certain prescription drugs. The bill allows certain individuals to act under the supervision of a CDEM.

Definition- The bill repeals the definition of "midwife" in the medical malpractice law, and adds a definition of "certified nurse midwife". The bill makes conforming changes.

Effective Date: July 1, 2011.

Summary of Net State Impact: The Professional Licensing Agency (PLA) would incur additional administrative expenditures. The MB would have expenditures for various items including: member travel mileage, telephone expense, office supplies, and printing. Cost could be offset, by the fees set by the MB for the certification of CDEMs.

Explanation of State Expenditures: *Establishes the Midwifery Board-* The seven-member MB would be appointed by the Governor to oversee the certification of midwives. The MB would require an applicant to be North American Registry of Midwives (NARM) certified. The MB would be allowed to adopt standards that require more training than the requirements of the NARM.

The PLA would provide the administrative staff to the MB. Need for additional staff would depend on the number of applicants for the license and the workload of current PLA staff with existing professional boards/commissions.

Penalty Provision: A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$19,307 in FY 2010. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$4,818 annually, or \$13.20 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$68,260 in FY 2010. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months.

Background- As of September 2010, there were 129 nurse midwives with an active license to practice in Indiana. NARM reports from their 2009 annual report there were 15 individuals in Indiana with a CPM credential. The Indiana Midwives Association (IMA) has about 30 midwife or student midwives in their membership.

Explanation of State Revenues: *Establishes the Midwifery Board-* The fees for the certification of direct entry midwives would have to be set at a level to cover licensure expenses, or \$500, whichever is lesser. The amount of revenue that would be generated by this proposal would depend on the number persons seeking a CDEM credential. Setting the license fee at \$500 for 15 individuals seeking certification would raise approximately \$7,500 in the first year of implementation.

Penalty Provision: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund. However, any additional revenues would likely be small.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: *Penalty Provision:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns

maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of the criminal costs fee. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case. However, any additional revenues would likely be small.

State Agencies Affected: Professional Licensing Agency; Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association; Department of Correction; Professional Licensing Agency; North American Registry of Midwives, 2009 Annual Report; Indiana Midwives Association.

Fiscal Analyst: Chris Baker, 317-232-9851.